IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION NO : 1479 of 2004**

Between:

1 D. Sathamma, W/o. (Late) D. Venkataiah, R/o. Tukkuguda Village,

Maheswaram Mandal, Ranga Reddy District.
2 D. Lakshmamma, W/o. (Late) D. Venkataiah, R/o. Tukkuguda Village,

Maheswaram Mandal, Ranga Reddy District.

**....PETITIONERS**

AND

1 Joint Collector, Ranga Reddy District at Hyderabad.
2 Revenue Divisional Officer (East Division), Ranga Reddy District at

Hyderabad.
3 D. Prasada Rao, S/o. D. Srinivasa Rao, R/o. H.No. 2-2-1146/C,

Tilaknagar, Hyderabad.
4 D. Srinivasa Rao, S/o. D. Narasimha Rao, Kollapur Village and Mandal,

Mahabubnagar District.
5 V. Vedavathi, W/o. V. Dharma Rao, R/o. H.No. 2-2-1146/C,

Tilaknagar, Hyderabad.
6 V. Manmohan Rao, S/o. V. Narsimha Rao, Lakhnaram Village,

Telkapally Mandal, Mahabubnagar District.
7 K. Narasimha Reddy, S/o. Laxma Reddy, R/o. C/o. V. Vijay Gopal Rao,

Advocates, R-103, Krishna nivas Apartments, Street No. 6,

Vidyanagar, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the 1st respondent in entertaining the appeal of Respondents 3 to 7 in File No. F2/8513/2003 against the certificate U/s. 38-A issued in our favour by the 2nd respondent in File No. L/2050/1999 dated 20.11.2000 without considering the bar of limitation, is arbitrary and illegal and also declare that the order passed by the 1st respondent in the said appeal dated 23.11.2003 directing the authorities to restore the land in all respects as it is prior to issue of the order of the Revenue Divisional Officer, East Division, Ranga Reddy District in Case No. L/2050/1999 dated 20.11.2000, is arbitrary and illegal and set aside the same and direct the 1st respondent to adjudicate the appeal of Respondents 3 to 7 after opportunity to the petitioners and in accordance with law.

**Counsel for the Petitioners : MR.V.VENKATARAMANA**

**Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE**

**Counsel for the Respondent Nos.3 to 7: Mr. K.Mahipathi Rao**

**The Court made the following :**

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.1479 OF 2004

**ORDER:**

The respondents 3 to 7 herein filed an appeal before the Joint Collector, Ranga Reddy District, the first respondent herein, under Section 90 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act) against the orders dated 20.11.2000 of the Revenue Divisional Officer, the second respondent herein, whereby and whereunder, the second respondent granted a certificate in favour of the petitioners under Section 38-A of the Act. The respondents 3 to 7 also prayed the appellate authority to suspend the certificate issued by the second respondent dated 20.11.2000. While taking the appeal on file, the first respondent

issued notice to the petitioners informing that the case is posted for hearing on 02.12.2003, and by the same order dated 23.11.2003, the first respondent directed the concerned officials to restore the land in all respect as it is prior to issue of the orders of the second respondent to contesting respondents. This order is assailed in the writ petition.

This Court while admitting the writ petition on 28.01.2004 passed interim orders in W.P.M.P.No.1941 of 2004 suspending the impugned order observing that the first respondent cannot order for restoration of the lands until the *lis* is resolved by disposing of the appeal. The contesting respondents have now filed W.V.M.P.No.933 of 2004 praying this Court to vacate the interim order. Though the interlocutory applications are listed, the matter was heard finally with the consent of both the learned counsel and the writ petition itself is being disposed of.

I have heard the learned Assistant Government Pleader for respondents 1 and 2 and the learned counsel for the respondents 3 to 7 Sri K.Mahipathi Rao. There cannot be any dispute that it was improper for the first respondent to pass a mandatory order directing the officials to restore possession to the appellants before him, especially when they prayed only for suspension of the certificate issued by the second respondent under Section 38-A of the Act. Therefore, insofar as the impugned order/notice issues such direction, the same is not sustainable, as it would fail to answer the principle of fairness. Therefore, the impugned order is set aside and the first respondent is directed to dispose of the appeal filed by respondents 3 to 7, within a period of four weeks from the date of receipt of a copy of this order, after issuing notice of hearing to the writ petitioners and the contesting respondents. Till the appeal is disposed of by the first respondent, *status quo* as on today shall be maintained.

The writ petition, with the above observations and directions, is disposed of.

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**(V.V.S.RAO,J)**

29.09.2004.

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To

1. The Joint Collector, Ranga Reddy District at Hyderabad.
2. The Revenue Divisional Officer (East Division), Ranga Reddy District at Hyderabad.
3. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.